

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,  
Plaintiff,  
v.  
VAN NESS,  
Defendant.

Case No. 1:20-cv-00625-NONE-EPG (PC)  
ORDER DENYING PLAINTIFF'S MOTION  
FOR DEFAULT  
(ECF No. 27)

Antoine Barnes ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 12, 2020, Plaintiff filed a request for the Court to rule in his favor on default, which the Court construes as a motion. (ECF No. 27). Plaintiff correctly points out that Defendant failed to timely file his responsive pleading, and that the Court extended his deadline to do so. Plaintiff then appears to allege that Defendant failed to file his responsive pleading by the Court ordered deadline. However, Plaintiff is incorrect. The Court gave Defendant until the close of business on October 30, 2020, to file his responsive pleading (ECF No. 23), and Defendant filed an answer on October 29, 2020 (ECF No. 25). Thus, Defendant was in compliance with this Court's order and not in default at the time Plaintiff filed this motion.

Accordingly, IT IS ORDERED THAT Plaintiff's request for the Court to rule in his favor

on default, which the Court construes as a motion, is DENIED.<sup>1</sup>

IT IS SO ORDERED.

Dated: **November 13, 2020**

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> In the motion, Plaintiff also makes allegations regarding the conduct of deputies at Monterey County Jail. However, this case is not proceeding against any deputies at Monterey County Jail. If Plaintiff believes his rights are being violated by deputies at Monterey County Jail he may file a separate action against those deputies.